

TOWN OF PORT MCNEILL

Bylaw No. 595, 2008

A Bylaw to regulate the keeping of Animals within the Town of Port McNeill

WHEREAS the Community Charter, Part 2, Division 1, Section 8 (3) (k) provides that the Town may, by bylaw provide for the seizure, impounding and detention of animals at large as well as the establishment and maintenance of pound facilities, the regulation and setting of fees and fines and the sale or disposal of impounded animals:

NOW THEREFORE the Council of the Town of Port McNeill in open meeting assembled enacts as follows:

1. DEFINITION:

“Animal” means any horse, mule, cat, dog, donkey, swine, sheep, goat, domesticated rabbit, animal or bovine species, turkey, goose, duck, fowl, dove, pigeon, reptile or any domesticated wild animal;

“Animal Control Officer” means

a) A municipal employee, officer, agent or contractor designated by the council as an Animal Control Officer for the purposes of this section, or

b) A peace officer;

“At large” means any animal being elsewhere than on the premises of the person owning or having custody, care or control of the animal and not being under the direct and continuous charge of a person who is competent to control it;

“Cat” means an animal of the feline species regardless of age or sex;

“Collector” means the Treasurer for the Municipality and includes every person acting on behalf of the Treasurer under the authority of the Council;

“Companion Animal” means an animal kept as a guide animal;

“Council” means the Municipal Council of the Town of Port McNeill;

“Dangerous animal” means an animal that

a) has killed or injured a person, or

b) an Animal Control Officer has reasonable grounds to believe is likely to kill or injure a person, or

c) while in a public place or while on private property, other than property owned or occupied by the person responsible for the animal, has killed or injured a companion animal or other animal;

“Dog” means an animal of the canine species regardless of age or sex;

“Leash” means any restraint lead that is attached to the animal by which the animal can be controlled.

“**License**” means a dog or cat license issued in accordance with the provisions of this bylaw;

“**Municipality**” means the Corporation of the Town of Port McNeill;

“**Owner**” means the person having the custody, care, control or possession of any animal, and “owned” includes possessed or harboured in fact and in law;

“**Pound**” means the premises provided by the Council from time to time for the confinement and impoundment of animals;

“**Poundkeeper**” means the official duly appointed by the Council to fill the position and assume the responsibility and duties of the Poundkeeper pursuant to this bylaw and includes the Poundkeeper’s deputies, assistants or employees or any person acting on behalf of/or assisting such Poundkeeper;

“**Seize**” includes impound and detain;

“**Tag**” means a numbered identification tag made of metal, plastic or fiberglass issued by the Town or its representatives.

2. ANIMALS PERMITTED:

2.1 No animals other than domesticated animals such as dogs, cats or other small-domesticated animals may be housed within their owners, possessor’s or harbourer’s dwelling unit.

3. ANIMAL CONTROL OFFICER:

3.1 The Council is hereby empowered to appoint from time to time an Animal Control Officer and such deputies, assistants or employees as may be required to maintain and operate the Pound.

3.2 The Council is hereby empowered to fix the salary, wages or contract amount of any Animal Control Officer, deputy, assistant or employee as may be required and pay any monies out of the annual revenue of the Town.

3.3 Any person lawfully performing any act in enforcing this bylaw whether voluntarily or at the request of the Animal Control Officer shall be deemed to be an assistant Animal Control Officer.

3.4 Each Animal Control Officer or representative shall pay over to the Municipal Treasurer all money received by him/her and shall, when requested, produce their books for inspection by the Treasurer or the Corporate Administrator.

3.5 The Council is empowered to establish, maintain and operate facilities for the sheltering of animals at such place or premises as the Council may, by resolution from time to time, determine.

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- 3.6 The Animal Control Officer shall be in charge of the Pound and shall deliver all animals apprehended, to this facility and provide them with food and water during the retention periods set out in 3.11.
- 3.7 The owner of any animal impounded may redeem the same from the pound upon proving ownership thereof and paying to the Animal Control Officer that amount of unpaid and overdue animal license fees, if any, and impoundment fees as listed in Schedule "A" attached hereto and forming part of this bylaw.

In addition, there shall be for each and every animal impounded, fees as set out in Schedule "A", starting on the day of the impoundment, for the care and feeding of such animals for each day the animal is impounded.

- 3.8 The Animal Control Officer may seize and impound any animal which is found to be at large, within the municipality, and upon such seizure and impoundment the Animal Control Officer shall immediately inform the owner of such animal that the animal has been impounded. If the owner of the animal is unknown to the Animal Control Officer or if the Animal Control Officer is unable to contact the owner then, within 24 hours of the impoundment cause notice of such seizure and impoundment to be made in writing and affixed to the notice board at the public works yard, and the posting of such notices as aforesaid shall be deemed for all purposes as sufficient notice to the owner of such animal.

3.8.1 In addition to the authority granted under the Local Government Act, but subject to this section, an Animal Control Officer may seize an animal if the officer believes on reasonable grounds that the animal is a dangerous animal.

3.8.2 Before exercising a power under Section 3.8.1, in the case of an animal that has acted as described in paragraph (a) or (c) of the definition of "dangerous animal" the Animal Control Officer must consider whether the animal was acting while in the course of

- a) attempting to prevent a person from committing an unlawful act, or
- b) performing law enforcement work.

3.8.3 An Animal Control Officer may enter a place to exercise the power under section 3.8.1

- a) in any case, with the consent of the owner or occupier of the place,
- b) in any case, in accordance with a warrant under section 3.8.4 or 3.8.5 or
- c) if the circumstances referred to in section 3.8.6 apply, in accordance with that section.

3.8.4 If satisfied by evidence given under oath or affirmation that there are reasonable grounds to believe that

- a) there is in a place an animal, and
- b) the animal is a dangerous animal

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A justice may, by warrant, authorize an Animal Control Officer to enter and search the place and to seize the animal.

- 3.8.5 If
- a) it is impractical for an Animal Control Officer to appear personally before a justice to apply for a warrant in accordance with section 3.8.4 and
 - b) the officer believes on reasonable grounds that the circumstances referred to in section 3.8.4. (a) and (b) apply,
- the officer may apply for a warrant in accordance with section 22 (Telewarrants) of the Offence Act.
- 3.8.6 Subject to section 3.8.7, an Animal Control Officer may, without a warrant, enter and search any place except a dwelling house and seize an animal, if the officer believes on reasonable grounds that
- a) the animal is a dangerous animal,
 - b) the animal presents an imminent danger to the public, and
 - c) the purpose of seizing the animal cannot reasonably be accomplished if the officer is required to obtain a warrant.
- 3.8.7 For the purposes of section 3.8.6, an Animal Control Officer who is not a police officer must be accompanied by a police officer.
- 3.8.8 In addition to the authority under section 8 of the *Livestock Protection Act*, in relation to an animal that the Animal Control Officer has reasonable grounds to believe is a dangerous animal; the Animal Control Officer may apply to the Provincial Court for an order that the animal be destroyed in the manner specified in the order.
- 3.8.9 An animal that has been seized under this section may not be impounded for more than 21 days unless proceedings under section 3.8.8 of this bylaw or section 8 of the *Livestock Protection Act* are commenced within that time.
- 3.9 Where the Animal Control Officer has reason to believe that any unlicensed animal has taken refuge on any premises, he/she may at all reasonable times request the occupant of such premises to satisfy the Animal Control Officer that such license has been paid and to exhibit such tag, or to forthwith deliver to him/her such animal. The Animal Control Officer or such other person authorized may take the animal to the Pound unless the license fee is immediately paid.
- 3.10 It shall be the duty of the Animal Control Officer before making delivery of any animal impounded, to obtain from the person or persons claiming the same, his or her name and residence and to enter the same in the "pound book" together with the date when such animal was impounded and the date when the same was redeemed to ensure that the animal is licensed upon return to the owner.
- 3.11 Any **unlicensed** animal which has not been redeemed after a period of 72 hours (3 days) from the time of impoundment and any **licensed** animal which has not been so redeemed after a period of 96 hours (4 days) from the time of impoundment may, if not reclaimed by its owner, be offered for sale, adoption or destroyed in a humane manner by the Animal Control Officer or a Veterinarian.

- 3.12 Any request for euthanasia of an animal shall be accompanied by the fees for this service, including the care and feeding of said animal in accordance with Schedule "A" attached hereto.

4. LICENSES AND FEES:

- 4.1 Every dog or cat, which is owned, possessed or harboured within the boundaries of the Town shall be duly licensed pursuant to this Bylaw.
- 4.2 The owner of every dog or cat shall make application for a license and pay the fee set out in Schedule "A" of this bylaw on or before the second Monday of January in each year.
- 4.2.1 Any dog or cat that becomes licensable on the first day of July in each year shall be subject to a 50% reduction of the license fee. The only animal to which this provision applies are those animals that have come in to their owner's possession on/or after the first day of July.
- 4.3 Every person having paid the prescribed fee for a dog or cat license shall receive a license tag, which shall be fastened to a collar or harness worn on the animal for which the said fee was paid.
- 4.4 If a dog or cat is sold, the said license may be transferred to the new owner upon presentation of the current year's license tag.
- 4.5 If any person becomes the owner of any dog or cat after the 1st day of January in any year, such person shall make application for a license or transfer of a valid previously issued license from the municipality and pay the license fee set out in Schedule "A" of this bylaw immediately before or after the date of acquiring the said dog or cat.
- 4.6 No person shall keep, harbour or have in his possession or in his care, custody or control, a dog or cat within the municipality unless a dog or cat license has been issued.
- 4.7 A replacement tag may be obtained upon payment of the fee set out in Schedule "A".
- 4.8 Any dog or cat not wearing a collar or harness and license tag as provided by this bylaw may be impounded by the Animal Control Officer and placed in the Pound. **In the case of cats an identifiable ear tattoo can be registered with the town, at the time of purchasing a license, in lieu of the animal having to wearing a collar.**
- 4.9 No person purchasing or adopting a dog or cat from the Animal Control Officer shall remove the said animal from the pound until a license tag has been obtained pursuant to this bylaw.

- 4.10 The owner of any dog or cat shall be exempt from purchasing a Port McNeill dog or cat license provided that they are **not a resident** of Port McNeill and can so prove such non-residency, provided however, that should such animal be impounded, impoundment fees and care and feeding charges shall apply.
- 4.11 An application for a license for a neutered or spayed dog or cat shall be accompanied by proof of neutering or spaying from a licensed Veterinarian.

5. GENERAL

- 5.1 No person shall keep, possess or harbour more than 7 adult animals including 3 adult dogs within the Town.**
- 5.2 No person shall permit any animal to run at large within the municipality.
- 5.3 All dogs within the boundaries of the Town shall be leashed when off the property of the place where it is kept.**
- 5.4 No person who owns a dog or cat shall permit or cause the dog or cat to cry or bark in a manner that disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity of the place where the dog or cat is kept.
- 5.5 An owner whose dog or cat defecates on another person's property or public property shall forthwith remove the defecated matter and deposit it in a suitable refuse container.
- 5.6 No person shall hinder, delay or obstruct the Animal Control Officer or any person or persons lawfully engaged in impounding any animal.
- 5.7 The owner of a dangerous animal shall, at all times while the animal is on premises owned or controlled by that owner, keep the animal securely confined either indoors or in an enclosed pen or other structure capable of preventing the entry of young children and adequately constructed to prevent the animal from escaping.
- 5.8 The owner of any female animal in heat shall keep her on a leash, unless she is confined within a building or kennel, until she is no longer in heat.
- 5.9 No person shall keep, harbour or have in his possession any animal suffering from an infectious or contagious disease, unless such animal is in isolation under treatment for the cure of the same.
- 5.10 Notwithstanding anything in this Section contained, it shall be lawful for the Medical Health Officer, Mayor, Judge or Senior Police Officer in the municipality to order any animal found to be suffering from any infectious, contagious, or incurable disease destroyed and the Animal Control Officer, on receiving such order, shall forthwith destroy the same without the owner thereof being entitled to any compensation therefore.

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5.11 Every person who violates any of the provisions of this bylaw or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, or who does any act which violates any of the provisions of this bylaw, shall be deemed to be guilty of an offence against the bylaw and upon summary conviction of an offence, shall be punishable in accordance with the Offence Act.

6. REPEAL

6.1 Animal Control Bylaw No. 583, 2006 is hereby repealed.

7. TITLE

This Bylaw shall be cited as the Town of Port McNeill "Animal Control Bylaw No. 595, 2008".

Read a first time the 21st day of January, 2008.

Read a second time the 3rd day of March, 2008.

Read a third time the 17th day of March, 2008.

Reconsidered, finally passed and adopted on the 7 day of April, 2008.

Mayor

Corporate Administrator

Certified to be a true and correct copy of Bylaw No. 595, 2008 as adopted.

Corporate Administrator

Schedule "A"
Bylaw No. 583, 2000

LICENSES:	FEE
Annual fee for every non-neutered or unspayed dog or cat (any age)	30.00
Annual fee for every neutered/spayed dog or cat	15.00
Professionally trained Assistance Animal (an animal used by a physically/ mentally challenged person or the RCMP)	No charge
FINES:	
Dogs or cats at large (plus impoundment fee)	50.00
Failure to remove defecated matter	25.00
IMPOUNDMENT:	
First impoundment	25.00
Second impoundment	50.00
Third impoundment	75.00
Fourth and subsequent impoundment The impoundment record of a dog or cat will be expunged after 3 consecutive years without any impoundment.	100.00
MISCELLANEOUS:	
Care and feeding fee per day	15.00
Replacement dog or cat tags	10.00
Surrender fee for any animal (Includes veterinary euthanasia or adoption of animals dropped off at pound)	100.00
License Transfer fee	15.00